UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,462	07/30/2007	Mika Konno	061608-0400	1296

30542 7590 01/25/2008

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER	
QUADER, FAZLUL	
ART UNIT	**PAPER NUMBER**
2164	

MAIL DATE	DELIVERY MODE
01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,462	KONNO ET AL.	
	Examiner	Art Unit	
	Fazlul Quader	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 22-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 and 22-58 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 and 22-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. (US 20020064149), hereinafter "Elliott" in view of Yeager et al. (US 20040088348), hereinafter "Yeager".

4. As to claim 1, Elliott discloses, a method for transferring a data file between a sending device and a receiving user equipment, the method comprising: assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified; in response to finding that the data file is to be modified, modifying the data file, based on said information, into a form suitable for transferring (abstract; [0457]); and transferring the data file from the sending device to the receiving user equipment ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

5. As to claim 2, Elliott as modified discloses, a method according to claim 1, further comprising selecting the data file to be transferred from a plurality of data files (Elliott: [0463]).

6. As to claim 3, Elliott as modified discloses, a method according to claim 1, wherein the step of assessing comprises carrying out said assessing by the sending

device (Elliott: [0453]).

7. As to claim 4, Elliott as modified discloses, a method according to claim 1, wherein the step of modifying further comprises creating a clone data file of the original data file and modifying the clone data file (Elliott: [1561]).

8. As to claim 5, Elliott as modified discloses, a method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the transfer method (Elliott: [0458]; [0584]).

9. As to claim 6, Elliott as modified discloses, a method according to claim 5, wherein the step of modifying comprises modifying the data file based on a maximum file size supported by the transfer method (Elliott: [0457]-[0458]).

10. As to claim 7, Elliott as modified discloses, a method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the receiving user equipment (Elliott: [1667]).

11. As to claim 8, Elliott as modified discloses, a method according to claim 7, wherein the step of modifying comprises modifying the data file based on a maximum file size supported by the receiving user equipment (Elliott: [0085]; [0457]).

12. As to claim 9, Elliott as modified discloses, a method according to claim 1, wherein the step of modifying comprises compressing the data file (Elliott: [0441]).

13. As to claim 10, Elliott as modified discloses, a method according to claim 1, wherein the step of transferring the data file comprises transferring an image file (Elliott: [3004]; [0030]; [0099]).

14. As to claim 11, Elliott as modified discloses, a method according to claim 10 wherein the step of modifying comprises resizing the image file (Elliott: [3004]).

15. As to claim 12, Elliott as modified discloses, a method according to claim 11 wherein the step of modifying further comprises re-scaling the re-sized image file (Elliott: [3005]).

16. As to claim 13, Elliott as modified discloses, a method according to claim 1, wherein the step of modifying comprises changing the format of the data file (Elliott: [0081]).

17. As to claim 14, Elliott as modified discloses, a method according to claim 1, further comprising obtaining in the sending device an indication relating to the transfer method (Elliott: [0453]).

18. As to claim 15, Elliott as modified discloses, a method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises determining by the sending device an active transfer method capable of transferring the data file to the receiving user equipment (Elliott: [0458]).

19. As to claim 16, Elliott as modified discloses, a method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0457]).

20. As to claim 17, Elliott as modified discloses, a method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list (Elliott: [0103]).

21. As to claim 18, Elliott as modified discloses, a method according to claim 1, further comprising obtaining in the sending device an indication relating to the receiving user equipment (Elliott: [0453] -[0457]).

22. As to claim 19, Elliott as modified discloses, a method according to claim 18, wherein the step of obtaining the indication relating to the receiving user equipment comprises receiving in the sending device the indication sent by the receiving user

equipment (Elliott: [0457]).

23. As to claim 20, Elliott as modified discloses, a method according to claim 18, wherein the step of obtaining the indication relating to the receiving user equipment comprises displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-[[0876]).

24. Claim 21. (canceled).

25. As to claim 22, Elliott discloses, a device configured to: communicate with a receiving user equipment for transferring a data file from the device to the receiving user equipment (abstract; [0457]); assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified ([0457]);

in response to finding that the data file is to be modified, modify the data file, based on said information, into a form suitable for transferring; and transfer the data file to the receiving user equipment (abstract; [0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

26. As to claim 23, Elliott as modified discloses, a device according to claim 22, wherein the device is configured to create a clone data file of the original data file to be used in the modification (Elliott: [0666]; [0953]; [0984])).

27. As to claim 24, Elliott as modified discloses, a device according to claim 22, wherein the device is configured to carry out the modification by compressing the data file (Elliott: [0441]).

28. As to claim 25, Elliott as modified discloses, a device according to any of claim

22, wherein the data file is an image file (Elliott: [0030]; [0099]).

29. As to claim 26, Elliott as modified discloses, a device according to claim 25, wherein the device is configured to carry out the modification by re-sizing the image file (Elliott: [3004]).

27. As to claim 27, Elliott as modified discloses, a device according to claim 26, wherein the device is configured to carry out the modification by re-scaling the re-sized image file (Elliott: [3004]).

30. As to claim 28, Elliott as modified discloses, a device according to any of claim 22, wherein the device is configured to carry out the modification by changing the format of the data file (Elliott: [0080]).

31. As to claim 29, Elliott as modified discloses, a device according to any of claim 22, further configured to determine an active transfer method capable of transferring the information to the receiving user equipment (Elliott: [0458]).

32. As to claim 30, Elliott as modified discloses, a device according to any of claim 22, further configured to receive an indication of the transfer method and/or the receiving user equipment from the receiving user equipment (Elliott: [0457]).

33. As to claim 31, Elliott as modified discloses, a device according to any of claim 22, further configured to display to a user of the device a list of transfer methods and/or the receiving user equipment and to allow the user to select an indication belonging to the list (Elliott: [0103]).

34. As to claim 32, Elliott discloses, a device comprising: transferring means for transferring a data file from the device to a receiving user equipment; assessing means for assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified before transferring (abstract; [0457]); modifying means for modifying, in response to finding that the data file is to be modified, the data file, based on said information, into a form suitable for transferring ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and

method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

35. As to claim 33, Elliott discloses, user equipment configured to provide a separate device with an indication relating to a transfer method usable between the user equipment and the separate device and/or with an indication relating to the user equipment ([0453]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and method for providing requested quality of service in a hybrid network, that would have

allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

36. As to claim 34, Elliott discloses, an arrangement configured to transfer a data file from a sending device and a receiving user equipment, the arrangement being further configured to: assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (abstract; [0457]); in response to finding that the data file is to be modified, modify the data file, based on said information, into a form suitable for transferring ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and method for providing requested quality of service in a hybrid network, that would have

allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

37. As to claim 35, Elliott as modified discloses, an arrangement according to claim 34, wherein the receiving user equipment comprises one of a mobile user equipment, a mobile station and a personal digital assistant (Elliott: [3838], pager, mobile media).

38. As to claim 36, Elliott as modified discloses, an arrangement according to claim 34, wherein the sending device comprises a digital camera (Elliott: [2265], video camera).

39. As to claim 37, Elliott as modified discloses, an arrangement according to any of claim 34, wherein the transfer method is selected from a group comprising: universal serial bus port connection. Pop-Port connection, other galvanic connection, Bluetooth connection, infrared connection, wireless local area network connection, other wireless connection, direct connector connection or optical connection (Elliott: [0304]; [0613], LAN, wireless connections; [0636], providers of wireless network)).

40. As to claim 38, Elliott as modified discloses, an arrangement according to any of claim 34, wherein the sending device and the receiving user equipment are stand-alone devices (Elliott: [2160]; stand-alone devices).

41. As to claim 39, Elliott discloses, a computer program product embodied on a computer-readable medium for transferring a data file between a sending device and a receiving user equipment, the computer program product comprising: Computer code for: assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified; in response to finding that the data file is to be modified, modifying the data file, based on said information, into a form suitable for transferring abstract; (Elliott: [0457]); and transferring the data file from the sending device to the receiving user equipment (Elliott: [0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager into Elliott of system and method for providing requested quality of service in a hybrid network, that would have

allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]).

42. As to claim 40, Elliott as modified discloses, a computer program product according to claim 39, further comprising computer code for selecting the data file to be transferred from a plurality of data files (Elliott: [0463]).

43. As to claim 41, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for assessing further comprises computer code for carrying out said assessing by the sending device (Elliott: [0453]).

44. As to claim 42, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for creating a clone data file of the original data file and modifying the clone data file (Elliott: [1561]).

45. As to claim 43, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the transfer method (Elliott: [0458]; [0584]).

46. As to claim 44, Elliott as modified discloses, a computer program product according to claim 43, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the transfer method (Elliott: [0457]-[0458]).

47. As to claim 45, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the receiving user equipment (Elliott: [1667]).

48. As to claim 46, Elliott as modified discloses, a computer program product according to claim 45, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the receiving user equipment (Elliott: [1667]).

49. As to claim 47, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for compressing the data file (Elliott: [0441]).

50. As to claim 48, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for transferring the data file further comprises computer code for transferring an image file (Elliott: [3004]; [0030]; [0099]).

51. As to claim 49, Elliott as modified discloses, a computer program product according to claim 48, wherein the computer code for modifying further comprises computer code for resizing the image file (Elliott: [3005]).

52. As to claim 50, Elliott as modified discloses, a computer program product according to claim 49, wherein the computer code for modifying further comprises computer code for re-scaling the re-sized image file (Elliott: [3005]).

53. As to claim 51, Elliott as modified discloses, a computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for changing the format of the data file (Elliott: [0081]).

54. As to claim 52, Elliott as modified discloses, a computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the transfer (Elliott: [0453]).

55. As to claim 53, Elliott as modified discloses, a computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for determining by the sending device an active transfer method capable of transferring the data file to the receiving user equipment (Elliott: [0458]).

56. As to claim 54, Elliott as modified discloses, a computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0103]).

7. As to claim 55, Elliott as modified discloses, a computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-[[0876]).

58. As to claim 56, Elliott as modified discloses, a computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the receiving user equipment (Elliott: [0103]).

59. As to claim 57, Elliott as modified discloses, a computer program product according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0457]).

60. As to claim 58, Elliott as modified discloses, a computer program product

according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-[[0876]).

Conclusion

61. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bharadwaj (US 20020032751) teach Remote displays in mobile communication networks.

Ramelson et al. (US 20040250059) teach secure network processing.

Contact Information

62. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazlul Quader whose telephone number is 571-270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fazlul Quader
Examiner
Art Unit 2169

FQ
01/17/2008

MOHAMMAD ALI
SUPERVISORY PATENT EXAMINER